



Appeal Decision

Site visit made on 30 October 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2024

Appeal Ref: APP/M1520/W/24/3345623

Burches Riding School, Great Burches Road, Thundersley, Benfleet, Essex SS7 3NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hollywood Home Developments Ltd against the decision of Castle Point Borough Council.
 - The application Ref is 23/0168/FUL.
 - The development proposed is the removal of all existing equestrian buildings, engineered surfaces and storage compounds and construction of 5no. family dwelling houses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In addition to harm to the openness of the Green Belt, the reason for refusal also refers to the character and appearance of the Green Belt. However, the officer report does not find harm in relation to Local Plan Policy EC2, which seeks to prevent harm to the character of a site's surroundings. Similarly, the report does not find harm in relation to the Residential Design Guidance which addresses such matters as plot sizes, space around dwellings and how buildings are positioned. I have therefore taken the reference to character and appearance in the reason for refusal to have been made in relation to the general question of whether or not the proposal is inappropriate development within the Green Belt, rather than as an issue to be considered separately.

Main Issues

3. The main issues are therefore:
 - a) whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - b) the effect of the proposal on the openness of the Green Belt; and
 - c) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The National Planning Policy Framework (the Framework) explains that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to certain exceptions. One such exception is contained at Paragraph 154 (g) of the Framework, which relates to limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, excluding temporary buildings, which would not have a greater impact on the openness of the Green Belt than the existing development.
5. The appellant contends that the proposal would fully accord with the exception in Paragraph 154 (g) of the Framework and so would not amount to inappropriate development in the Green Belt. None of the other exceptions to inappropriate development set out in Paragraphs 154 and 155 are identified as relevant to the proposal. In coming to its decision, the Council also considered the site on the basis of it being PDL. I have no evidence before me to come to a different conclusion in respect of the site being PDL.
6. The key consideration is therefore the effect of the proposal on the openness of the Green Belt. The Planning Practice Guidance notes at Paragraph: 001 (Reference ID: 64-001-20190722) that a number of factors may be taken into account in assessing the impact of a proposal on the openness of the Green Belt. These include both spatial and visual aspects, as well as the duration and remediability of the development. The degree of activity likely to be generated, such as traffic movement, may also be relevant.
7. In relation to the spatial component of openness, the appellant indicates that the proposal would result in a 41% reduction in building footprint, 24% reduction in internal floor area and a 25% reduction in volume of built form across the site. The Council does not disagree with these figures. However, the visual component of openness must also be considered.
8. Most of the existing buildings are set to the rear of the site, which is lower lying than other parts. The taller buildings are open sided and many of the other buildings are small and/or single storey which limits their visual presence. Furthermore, the space around some of these buildings also assists in dissipating some of their visual impact. Parts of the site and elements of the taller buildings are visible from Burches Road although this is mainly limited to views through site entrances and gaps in the hedgerows. As such, they are generally not prominent in the landscape.
9. The proposed dwellings would be positioned more centrally on the site, around a central access road, and away from the lower lying land that is currently occupied by a number of buildings. Carports would be positioned between some of the houses and three of the five proposed dwellings would be two storeys above ground level. Whilst there are two single storey dwellings proposed, their ridge heights at 5.58m are not comparable to many of the single storey buildings currently on site. As a result, the site would present as a more notable concentration of built form, offering fewer uninterrupted views through the site, particularly to the open countryside to the north.

10. The appellant suggests that the existing hedgerows and further enhancements would visually contain the proposed development. However, the proposed buildings would be closer to both Burches Road and the existing nearby houses, many of whose occupants would inevitably see more built form than at present. The proposed houses would be a visual presence and focus that is not so apparent with the existing buildings.
11. In tandem with this, there would be an increased level of activity generated by the new homes that would also affect the openness of the site compared to how it is currently experienced. The associated parking and external domestic paraphernalia would all contribute to the development interrupting the visual openness of the Green Belt. Traffic movements associated with the five dwellings as well as light emitted from the properties from later on in the day, would visually disrupt and impact on openness that, even allowing for enhanced boundary planting would be perpetual features of the development and not remediable.
12. Taking all of the above into consideration, I conclude that notwithstanding the houses representing an overall spatial reduction in built form, their visual effect would outweigh this and so there would be an overall adverse loss of openness. Whilst the effect of the proposal on Green Belt openness would be localised it would nevertheless have a greater impact on openness than the existing development. It follows that the proposal would not fall within the exception in Paragraph 154(g) of the Framework. Therefore, it would be inappropriate development in the Green Belt and would conflict with the Framework.

Other Considerations

13. The Council is unable to demonstrate a five year supply of deliverable housing land and has only achieved 50% of its housing requirement in the 2022 measurement of the housing delivery test. This is well below Government expectations. Furthermore, the lack of an up-to-date Local Plan no doubt hampers the Council's ability to address these issues going forward.
14. Five new dwellings would, in numerical terms, represent a small contribution but this would nonetheless be an important one given the under supply of new homes in the area. The proposal could be built out relatively quickly. There would also be some economic benefits to the area both during construction and following occupation. There may also be some social benefit in having additional residents in the area.
15. However, these benefits would be tempered by the distance to local services. The proposal site is located 1km to the nearest bus stop and just over 2km south of the town of Rayleigh. Therefore, given the nature of Great Burches Road, it would be highly likely that future occupants would rely on the use of a private vehicle as the most convenient means of carrying out the majority, if not all, of their day-to-day activities. This would be contrary to the thrust of the Framework's objectives in seeking to locate housing where sustainable transport options can be maximised.
16. It is suggested that the site could be used more efficiently. However, the Framework is clear that whilst the efficient use of land should be supported, regard must be had to maintaining an area's prevailing character and setting. In a Green Belt location this must necessarily include consideration of its

openness. Even acknowledging the previously developed nature of the site, national policy does not favour utilising brownfield land wherever it is found. Rather, Paragraph 124 of the Framework gives substantial weight to the value of using suitable brownfield land within settlements for homes but that does not apply here.

17. The development would offer a range of sustainable and energy efficient features, including onsite generation, heat pumps, high performance glazing, rainwater harvesting. Although such measures are becoming more common, they nevertheless can be given a small amount of positive weight.
18. The development is also said to offer an opportunity for testing a community heating and generation scheme. It is said that any community scheme would be revolutionary within the area. However, this appears to be an aspiration with little detail as to how it would be achieved. Furthermore, there are no mechanisms or agreements in place to guarantee that it could be extended to neighbouring properties or any indication that neighbours would wish to pursue the option. Therefore, I can only give this matter a very small amount of weight.
19. It is the Appellants intention that the proposed boundary treatment would help support green corridors and encourage significant biodiversity gains as well as foraging and nesting potential. However, only limited details are provided in terms of such benefits or how they would be secured in the longer term. Therefore, whilst this can still be considered a benefit, it carries only modest weight in my decision.
20. The appellants point to the absence of objection from a number of bodies and organisations who were consulted about the proposed development. However, this in itself does not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issues of the case. Furthermore, whilst there is no objection to the scheme on matters such as highway safety, building design or the living conditions of neighbours, these factors would represent a lack of harm which would accordingly be neutral in any balance.
21. The appellant points me towards other decisions at Five Acres, Brickfields and Hollywood and considers that these have changed the context around the site. Be that as it may, this in itself is not a reason to lessen the site's Green Belt status.
22. Putting aside that weight is a matter for the decision maker in each case, I have had regard to these other developments. In the case of Five Acres it was for a replacement dwelling. Therefore, notwithstanding the officer recommendation for refusal, it would have been considered under a different Green Belt exemption from the current appeal. In the case of Brickfields, the proposal was considered to be inappropriate development in the Green Belt but the site was identified as a strategic location for housing. This represented a consideration which contributed to the Council concluding that the harm to the Green Belt was clearly outweighed by very special circumstances. The appeal site before me is not allocated for housing and so such considerations do not apply in this case.
23. There would appear to be some similarities between the Hollywood development and the current appeal. However, there is no information as to

why the scheme was approved or whether there were any very special circumstances which might have outweighed any harm to the Green Belt. As such, it is difficult to draw any meaningful comparisons and so it does not lead me to allowing the current appeal.

Green Belt Balance

24. I have found that the proposal would be inappropriate development that would result in harm to the Green Belt by virtue of its impact on openness. As required by the Framework I have afforded that harm substantial weight.
25. Some of the considerations advanced in favour of the development attract weight as outlined above, including significant weight to the fact that the proposal would result in the provision of five new dwellings in circumstances where there is a notable shortfall in the delivery of new homes.
26. However, the weight attributable to these other considerations are insufficient to clearly outweigh the harm I have identified to the Green Belt. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

Planning Balance

27. Section 38(6) of the Planning and Compulsory Purchase Act provides that the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the Council does not suggest that there would be conflict with any particular policies of the development plan. However, the Framework is an important material consideration that must be taken into account.
28. Having found that very special circumstances do not exist, policies within the Framework relating to land designated as Green Belt provide a clear reason for refusing the development. Therefore, notwithstanding the issue of housing land supply, the presumption in favour of sustainable development does not apply and this indicates that permission should not be granted.

Conclusion

29. I have not found there to be any conflict with any development plan policies. Nevertheless, the Framework represents a material consideration which in this case, for the reasons given above, causes me to conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR